IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant: Robert MARTUZA et al.

Title: REPLICATION-COMPETENT HERPES SIMPLEX VIRUS MEDIATES DESTRUCTION OF NEOPLASTIC CELLS

Div. Appln. Of: 09/625,509, filed 07/25/00

Appln . No.: Unassigned

Filed: 12/31/03

Examiner: Unassigned

INFORMATION DISCLOSURE STATEMENT UNDER 37 CFR §1.56

Commissioner for Patents
Box PATENT APPLICATION
Washington, D.C. 20231

Sir:

Submitted herewith on Form PTO-SB/08 is a listing of documents known to Applicants in order to comply with Applicants' duty of disclosure pursuant to 37 CFR §1.56.

As provided in 37 CFR §1.98(d), copies of the documents are not being provided since they were previously submitted to the United States Patent & Trademark Office in the above-identified parent application.

The submission of any document herewith, which is not a statutory bar, is not intended as an admission that such document constitutes prior art against the claims of the present application or that such document is considered material to patentability as defined in 37 CFR §1.56(b). Applicants do not waive any rights to take any action which would be appropriate to antedate or otherwise remove as a competent reference any document which is determined to be a *prima facie* art reference against the claims of the present application.

TIMING OF THE DISCLOSURE

The listed documents are being submitted in compliance with 37 CFR §1.97(d), before payment of the issue fee.

RELEVANCE OF EACH DOCUMENT

Applicants respectfully request that any listed document be considered by the Examiner and be made of record in the present application and that an initialed copy of Form PTO-SB/08 be returned in accordance with MPEP §609.

STATEMENT

The undersigned hereby states in accordance with 37 C.F.R. §1.97(e)(1) that each item of information contained in this information disclosure statement was first cited in any communication from a foreign patent office in a counterpart foreign application not more than three (3) months prior to filing of this Statement.

The Commissioner is hereby authorized to charge any additional fees which may be required regarding this application under 37 C.F.R. §§ 1.16-1.17, or credit any overpayment, to Deposit Account No. 19-0741. Should no proper payment be enclosed herewith, as by a check being in the wrong amount, unsigned, post-dated, otherwise improper or informal or even entirely missing, the Commissioner is authorized to charge the unpaid amount to Deposit Account No. 19-0741.

Respectfully submitted,

Date 31 December 2003

By S. A. Bent

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Form PTO-1449 (MODIFIED)	U.S. DEPARTMENT OF COMMERCE PATENT AND TRADEMARK OFFICE	ATTY. DOCKET NO.	SERIAL NO.
		066683/0196	Unassigned
INFORMATION DISCLOSURE CITATION		APPLICANT	
		Robert MARTUZA et al	
		FILING DATE	GROUP ART UNIT
(Use several sheets if necessary)		12/31/2003	Unassigned

U.S. PATENT DOCUMENTS

EXAMINER INITIAL	REF	DOCUMENT NUMBER	DATE	NAME	CLASS	SUB-CLASS	FILING DATE IF APPROPRIATE
	A1	5,728,379	03/98	Martuza et al.	424	93.2	

FOREIGN PATENT DOCUMENTS

	REF	DOCUMENT NUMBER	DATE	COUNTRY	CLASS	SUB-CLASS	TRANSLATION YES	TRANSLATION NO

OTHER DOCUMENTS *(Including Author, Title, Date, Pertinent Pages, Etc.)*

	A2	Toda et al. "Treatment of Human Breast Cancer in a Brain Metastatic Model by G207, a Replication-Competent Multimutated Herpes Simplex Virus 1", *Human Gene Therapy* 9:2177-2185 (October 10, 1998).
	A3	Chahlavi et al. "Replication-Competent Herpes Simplex Virus Vector G207 and Cisplatin Combination Theapy for Head and Neck Squamous Cell Carcinoma", *Neoplasia* 1(2):162-169 (June 2, 1999)
	A4	Toda et al. "Herpes Simplex Virus as an *in Situ* Cancer Vaccine for the Induction of Specific Anti-Tumor Immunity", *Human Gene Therapy* 10:385-393 (February 10, 1999).
	A5	Nilaver et al. "Delivery of herpesvirus and adenovirus to nude rat intracerebral tumors after osmotic blood-brain barrier disruption", *Proc. Natl. Acad. Sci. USA* 92:9829-9833 (October 1995).
	A6	Neuwelt et al. "Delivery of ultraviolet-inactivated ^{35}S-herpesvirus across an osmotically modified blood-brain barrier", *J. Neurosurg* 74:475-479 (March 1991).
	A7	Walker et al. "Local and systemic therapy of human prostate adenocarcinoma with the conditionally replicating herpes simplex virus vector G207", *Human Gene Therapy*, pages 1-28 (In Press Sept. 1999)
	A8	XO Breakefield et al. "New Biologist", 3:203-218 (1991)

EXAMINER	**DATE CONSIDERED**

* **EXAMINER: Initial if citation considered, whether or not citation is in conformance with MPEP 609; Draw line through citation if not in conformance and not considered. Include any copy of this form with next communication to applicant.**

FORM PTO 1449 (*modified*)

U.S. DEPARTMENT OF COMMERCE
PATENT AND TRADEMARK OFFICE

LIST OF REFERENCES CITED BY APPLICANT(S)
(*Use several sheets if necessary*)

Date Submitted to PTO: September 13, 1995

ATTY DOCKET NO.	SERIAL NO.
66683/134/GEUN	08/478,800
APPLICANT: Robert MARTUZA *et al.*	
FILING DATE: June 7, 1995	GROUP: Unassigned

OTHER DOCUMENT(S) (*Including Author, Title, Date, Pertinent Pages, Etc.*)

	A01		MCLAUCHLAN et al., "DNA Sequence Homology Between Two Co-Linear Loci On The HSV Genome Which Have Different Transforming Abilities", *The EMBO Journal*, Vol. 2:1953-1961, (1983)
	A02		SWAIN et al., "Herpes Simplex Virus Specifies Two Subunits Of Ribonucleotide Reductase Encoded By 3'-Coterminal Transcripts", *Journal of Virology*, Vol. 57:802-808, (1986)
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	A05		MCGEOCH et al., "Comparative Sequence Analysis Of The Long Repeat Regions And Adjoining Parts Of The Long Unique Regions In The Genomes Of Herpes Simplex Viruses Types 1 And 2", *Journal of General Virology*, Vol. 72:3057-3075, (1991)
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	A08		SZE et al., "The Herpes Simplex virus Type 1 ICP6 Gene Is Regulated By A 'Leaky' Early Promoter", *Virus Research*, Vol. 26:141-152, (1992)
	A09		GOLDSTEIN et al., "Herpes Simplex Virus Type 1-Induced Ribonucleotide Reductase Activity Is Dispensable For Virus Growth And DNA Synthesis: Isolation And Characterization Of An ICP6 *lacZ* Insertion Mutant", *Journal of Virology*, Vol. 62:196-205, (1988)
	A10		NIKAS et al., "Structural Features Of Ribonucleotide Reductase", *Proteins: Structure, Function, and Genetics*, Vol. 1:376-384, (1986)
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Date Submitted to PTO: September 13, 1995

ATTY DOCKET NO.	SERIAL NO.
66683/134/GEUN	08/478,800
APPLICANT: Robert MARTUZA *et al.*	
FILING DATE: June 7, 1995	GROUP: Unassigned

OTHER DOCUMENT(S) (*Including Author, Title, Date, Pertinent Pages, Etc.*)

	A13		MCGEOCH et al., "Sequence Determination And Genetic Content Of The Short Unique Region In The Genome Of Herpes Simplex Virus Type 1", *J. Mol. Biol.*, Vol. 181:1-13, (1985)
	A14		MCGEOCH et al., "Complete DNA Sequence Of The Short Repeat Region In The Genome Of Herpes Simplex Virus Type 1", *Nucleic Acids Research*, Vol. 14:1727-1745, (1986)
	A15		MCGEOCH et al., "The Complete DNA Sequence Of The Long Unique Region In The Genome Of Herpes Simplex Virus Type 1", *J. gen. Virol.*, Vol. 69:1531-1574, (1988)
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	A18		ROIZMAN et al., "Genetic Engineering Of Novel Genomes Of Large DNA Viruses", *Science*, Vol. 229:1208-1214, (1985)
	A19		GOODMAN et al., "Identification, Transfer, And Characterization Of Cloned Herpes Simplex Virus Invasiveness Regions", *Journal Of Virology*, Vol. 63:1153-1161, (1989)
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	A21		CHOU et al., "Mapping Of Herpes Simplex Virus-1 Neurovirulence To $\gamma_1$34.5, A Gene Nonessential For Growth In Culture", *Science*, Vol. 250:1262-1266, (1990)
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